

<sup>2</sup> Appellant explained that he was loading fuel oil onto a tugboat when he kicked an oil absorbing sock out of his way and his left foot stopped dead on the nonskid-deck surface.

OWCP denied appellant's traumatic injury claim by decision dated August 3, 2017. It found that he failed to establish that the May 5, 2016 incident occurred as alleged. On August 29, 2017 appellant requested reconsideration, and submitted additional factual and medical evidence.

On September 29, 2017 he filed another traumatic injury claim (Form CA-1) for a left knee injury that allegedly occurred in the performance of duty on September 7, 2017. OWCP assigned appellant's new left knee traumatic injury claim File No. xxxxxx856.

Under the current claim, OWCP issued an October 24, 2017 merit decision finding that although appellant established that the May 5, 2016 employment incident occurred as alleged, he failed to establish a left knee injury causally related to the accepted employment incident.

On November 16, 2017 appellant requested reconsideration and submitted additional medical evidence.

By decision dated February 9, 2018, OWCP denied modification of its October 24, 2017 decision.

The Board has duly considered the matter and concludes that this case is not in posture for decision. OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-reference between files.<sup>3</sup> For example, if a new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body, doubling is required.<sup>4</sup>

As noted, appellant has two left knee traumatic injury claims, which OWCP assigned File Nos. xxxxxx785 and xxxxxx856. The case record for the latter claim, which was for a subsequent left knee injury that allegedly occurred on September 7, 2017, is not part of the current case record. The Board finds that for a full and fair adjudication, the case must be returned to OWCP to combine the current case record with File No. xxxxxx856.<sup>5</sup> Following this and any other development OWCP deems necessary, a *de novo* decision shall be issued with respect to appellant's entitlement to FECA benefits under OWCP File No. xxxxxx785.

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<sup>3</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance & Management*, Chapter 2.400.8c (February 2000).

<sup>4</sup> *Id.*

<sup>5</sup> *See M.W.*, Docket No. 17-0743 (issued January 23, 2018).

**IT IS HEREBY ORDERED THAT** the February 9, 2018 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further action consistent with this order of the Board.

Issued: July 10, 2019  
Washington, DC

Christopher J. Godfrey, Chief Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board